

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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I.B.E.W. LOCAL NO. 241 PENSION PLAN, and its  
Trustees, ARNOLD DATES, DAVID CARR, BILL EMMONS,  
MATTHEW LABOSKY, THOMAS STEBBINS, JR., and  
MICHAEL TALARSKI, by and on behalf of themselves,  
Individually, and the I.B.E.W. LOCAL NO. 241  
PENSION PLAN,

Plaintiffs,

-against-

FIRST ALLMERICA FINANCIAL LIFE INSURANCE CO.,  
and DOES 1-10,

Defendants.

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FIRST ALLMERICA FINANCIAL LIFE INSURANCE CO.,

Third-Party Plaintiff

-against-

PHILLIP KISH, JOHN AUGUSTINE, JR., DANIEL BROWN,  
DAVID SUTHERLAND, RICHARD GREEN, DAVID  
HUNTER, and RICHARD ROES 1-20,

Third-Party Defendants.  
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**STIPULATION OF  
DISCONTINUANCE  
AND DISMISSAL**

Civil Action No.

5:02-CV-0727  
(HGM/GJD)

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys  
of record for all the parties to the above entitled action, that whereas no party hereto is an infant or  
incompetent person for whom a committee has been appointed and no person not a party has an interest  
in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with  
prejudice, and without costs and disbursements, including attorneys' fees, to any party as against another.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: March 7, 2006

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BLITMAN & KING LLP

NIXON PEABODY LLP

By: s/James R. LaVaute

James R. LaVaute, Esq.

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Third Party Plaintiff

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SO ORDERED:

Howard G. Munson

Honorable Howard G. Munson

Senior United States District Judge

3/14/06

(wlr\drb\JBEW241\241 Allmerica-StipDismissal)